

CITY OF MILFORD
REGULAR MEETING
JULY 11, 2006
MINUTES

A regular meeting of the Mayor and Council of the City of Milford, Nebraska was held at the Webermeier Community Room in said City on the 11th day of July 2006 at 7:30 pm. Present were: Mayor J. Elaine Plessel; Council members: Rick Fortune, Terry Good, Lyle Neal; Attorney Robert Blevens; Chief of Police Forrest Siebken, City Clerk Jeanne Hoggins. Absent: Dean Bruha. Also present: Tony Houk, H.L. and Bev Peterson, Kit Landkamer, Pastor David Geary, Merlin Roth, Morris Stutzman, Doris Kunzie, Vera Havener, Laura Peterson, Larry Kness, Dana & Becky Singaas, Kelly Danielson, Ken Mertl, Scott Ruether, Nancy McGill with the press, Tim & Shelly Troyer, Tom Troyer, Nancy Swarts, Karen Stauffer, Maurice & Linda Jantze, Larry Jantze, Matt Young, Jim Young, Ben & Dawnia Ramirez, Dale Hauder, Stacy Hartgerink, John Melena, Willis Heyen, Donna Havener, Merle Davids and Nancy Jantze.

Notice of the meeting was given in advance thereof by publishing in the Milford Times; a designated method for giving notice, as shown by the Affidavit of Publication attached to these minutes. Notice of this meeting was given to the Mayor and all members of the Council and a copy of their acknowledgement of receipt of notice and the agenda is attached to these minutes. Availability of the agenda was communicated in the advance notice and in the notice to the Mayor and Council of this meeting. All proceedings hereafter shown were taken while the convened meeting was open to the attendance of the public.

CALL TO ORDER: Mayor Plessel called the meeting to order at 7:30 p.m. Mayor Plessel informed the public of the location of the Open Meetings Act poster.

MINUTES: A motion was made by Fortune and seconded by Neal to approve the minutes of the June 6, 2006 meeting. Roll call vote: Fortune yes, Neal yes, Bruha absent, Good yes. Motion carried.

A motion was made by Fortune and seconded by Good to approve the minutes of the June 12, 2006 meeting. Roll call vote: Fortune yes, Good yes, Bruha absent, Neal yes. Motion carried.

PAYMENT OF BILLS: A motion was made by Neal and seconded by Good that the following bills in the amount of \$59,043.47 approved by the Auditing Committee be approved for payment. Roll call vote: Neal yes, Good yes, Bruha absent, Fortune yes. Motion carried.

SALARIES:

42511	Mark Frey	1259.95
42512	Forrest K Siebken	1212.88
42513	Mavis Lynn Ferris	66.38
42514	Jeanne M Hoggins	1179.98
42515	Gary Lee TeSelle	816.88
42516	Scott Dean Fosler	982.97
42517	Robert L Hull	879.06
42518	Beverly J Wehrs	404.81
42519	Edna A Riedl	319.06
42520	David R Dahle	1029.01
42521	Louis J Bialas	1081.09
42522	Arlene F Sieck	319.63
42523	Bryce C Johnson	802.37
42524	Philip Winkelmann	802.37
42525	Elizabeth A Dierberger	570.51
42526	Daniel A Dejong	446.75
42527	George A Matzen	205.58
42528	Micaela Daley	464.14
42529	Britney S Schweitzer	335.28
42530	Brooke A Schweitzer	411.18
42531	Joshua S. Wiley	85.33
42532	Tracy L Yeackley	611.41
42533	Darrin D Velder	488.81
42534	Julia M Wang	103.44
42535	Kara Jacobsen	559.52
42536	Nicholas D Bernasek	373.07
42537	Josh Steven Rublee	601.87
42603	Mark Frey	1259.95
42604	Forrest K Siebken	1212.88
42605	Mavis Lynn Ferris	37.52
42606	Jeanne M Hoggins	1179.98
42607	Gary Lee TeSelle	760.19
42608	Scott Dean Fosler	899.52
42609	Robert L Hull	804.70
42610	Beverly J Wehrs	513.11
42611	Edna A Riedl	360.71
42612	David R Dahle	860.10
42613	Louis J Bialas	852.35
42614	Arlene F Sieck	349.02
42615	Bryce C Johnson	824.56
42616	Philip Wnkelmann	824.56

42617	Elizabeth Dierberger	570.51
42618	Daniel DeJong	583.54
42619	George A Matzen	233.13
42620	Micaela Daley	464.14
42621	Britney S Schweitzer	382.73
42622	Brooke A Schweitzer	512.40
42623	Joshua S Wiley	131.88
42624	Tracy L Yeackley	600.10
42626	Julia M Wang	64.64
42627	Kara Jacobsen	417.53
42628	Nicholas D Bernasek	377.92
42629	Josh Steven Rublee	496.01
42637	Mark Frey	1259.95
42638	Forrest K Siebken	1212.88
42639	Mavis Lynn Ferris	37.52
42640	Jeanne M Hoggins	1179.98
42641	Gary Lee TeSelle	816.88
42642	Scott Dean Fosler	1139.44
42643	Robert L Hull	787.56
42644	Beverly J Wehrs	465.20
42645	Edna A Riedl	323.21
42646	David R Dahle	911.07
42647	Louis J Bialas	852.35
42648	Arlene F Sieck	327.51
42649	Bryce C Johnson	895.84
42650	Philip Winkelmann	802.37
42651	Elizabeth A Dierberger	570.51
42652	Daniel A Dejong	599.12
42653	George A Matzen	233.13
42654	Micaela Daley	464.14
42655	Britney S Schweitzer	490.27
42656	Brooke A Schweitzer	547.20
42657	Joshua S Wiley	103.44
42658	Tracy L Yeackley	600.09
42659	Darrin D Velder	504.27
42660	Julia M Wang	85.33
42661	Kara Jacobsen	435.27
42662	Nicholas D Bernasek	353.67
42663	Josh Steven Rublee	468.80
42631	Joyce Elaine Plessel	184.70
42632	Ricky Gene Fortune	138.52
42633	Dean Alan Bruha	138.52

42634	Emerson L Neal	138.52
42635	David Terry Good	138.52
GENERAL FUND:		
42502	Nick Bernasek – Umpire 1 Game	25.00
42503	Austin Millikan – Umpire 4 Games	100.00
42504	A.S.A. – Girls 12&U State Tourney Fee	175.00
42505	A.S.A. – Girls 18&U District Fee	150.00
42506	A.S.A. – Girls 18&U State Tourney Fee	175.00
42507	Jason Freeman – WA/SW Deposit Refund	50.00
42508	Kim Hovendick – WA/SW Deposit Refund	50.00
42509	Rustin McCullough – WA/SW Deposit Refund	50.00
42510	U.S. Postmaster – Utility Billing Deposit	151.48
42538	Ameritas Life Ins. – Pension	1474.62
42539	Aflac – Dis, Cancer, Acc, Suppl	306.96
42540	Alltel – Dir. Ad, Cellular, Local, Internet	541.77
42541	Aramark – Pants & Rags	215.69
42542	Ameritas – Dental & Vision	1046.08
42543	American Lifeguard – Swim Suits	272.40
42544	Scott Bashore – Meals & Fire School	164.25
42545	Barco Municipal – Triple Chain, Tire Chain	818.20
42546	Branding Inc – 3 Johns	255.00
42547	BSN – Bats & Shipping	137.83
42548	Butch’s Welding – Pipe, Flat, Rod	34.05
42549	Culligan Water – Soft Water	19.00
42550	Farmers Cooperative – Gas/Diesel for May	1149.02
42551	Deep Rock – Drinking Water	26.59
42552	EMP – Supplies	87.23
42553	Farm Plan – Shaft; Lock-In	12.16
42554	G&P Development – Trash from Tournament	137.55
42555	Garbage Co – Service for May	123.48
42556	Gene’s Electric – Fix Lights at Pool, Lamp, Labor	547.23
42557	Great Plains One-Call – Locate Requests, Surcharge	18.18
42558	Goldsmith Tree Stump – Remove Tree Stump	445.50
42559	Hawkins Water Treatment – Hydrochloric Acid, Fuel	136.70
42560	Healthplan Services – Health Ins	6486.71
42561	Interstate Batteries – Battery	89.68
42562	Leonard Jisa – Umpire 4 Games	152.00
42563	Layne Christensen – Test Hole	7560.00
42564	Austin Millikan – Umpire 2 games	50.00
42565	Milford Volunteer Fire Dept – NSVFA Dues	12.00
42566	Brett Muller – Umpire 1 game	25.00
42567	Mutual of Omaha Co – Disability	79.33

42568	NE Dept of Revenue – Sales tax from April	1882.55
42569	NE Motor Parts – Battery, Terminal, Flex Claw	119.43
42570	NPPD – Service for May	4167.76
42571	NE Office of Hwy Safety – Mouth Pieces for PBT’s	48.00
42572	NE Tech & Telecomm – Service for May	479.19
42573	NE Code Consulting – 13 Inspections	490.00
42574	Northside Winlectric – Ceiling Fan, Hand Dryers	1531.77
42575	O’Keefe Elevator – State Required Test	855.79
42576	OMB Police Supply – Uniform Shorts & Supplies	129.94
42577	Aquila – Service for May	1519.48
42578	Pizza Kitchen – Thursday Meals (28 people)	114.00
42579	Poolmart, Inc – Umbrellas, Hose, Strainer, Chlorine	2085.10
42580	Rediger Chevrolet – Shop Materieals, Labor	47.70
42581	Reimers Kaufman – Pallet of Marble Dust	299.90
42582	Dash Rohan – Umpire 8 Games	215.00
42583	Brandon Roth – Umpire 1 Game	25.00
42584	Roxanne Roth – Cleaning Services	250.00
42585	Sam’s Club – Memberships, Candy, Gloves	956.32
42586	SLS League – 3 Teams Insurance	45.00
42587	Seward Electronics – Labor, Reprogramming	1243.05
42588	Seward County Independent – Notices, Posterboard	221.87
42589	SPPD – Wells 1 & 2	274.81
42590	Seward Lumber – Sideing, Returned Paint	389.71
42591	Shell Fleet Plus – May Feul (Police)	649.95
42592	Sister Act – Planted Barrel	35.00
42593	Sunrise Co Manor – May Meals	755.20
42594	Bev Wehrs – Paper Items, Food	45.86
42595	Amera-Chem – Drug Identification Bible	41.95
42596	Anthony Jacobsen – Umpire 1 game	25.00
42597	Tony Muller – Umpire 1 Game	25.00
42598	Nick Bernasek – Umpire 1 Game	25.00
42599	Derek Grauel – Umpire 3 Games	105.00
42600	Jim Krause – Umpire 4 Games	120.00
42601	Randy Roth – Umpire 2 Games	50.00
42602	Kurt Wiedl – 12 & U Districts	150.00
42630	Ameritas – Pension	1474.62
42636	U.S. Postmaster – Utility Billing Postage	151.86
42637	Ameritas – Pension	1474.62
42665	Adella Bulling – WA/SW Deposit Refund	50.00
42666	Emily Dean – WA/SW Deposit Refund	5.54
42667	Jim Doggett – WA/SW Deposit Refund	46.80
42668	Robert Gardella – WA/SW Deposit Refund	4.70

42669	Jeffrey Gette – WA/SW Deposit Refund	38.12
42670	Derek Grosenbach – WA/SW Deposit Refund	18.11
42671	Terry Hennecke – WA/SW Deposit Refund	50.00
42672	Patrick Kremer – WA/SW Deposit Refund	50.00
42673	Kent Metschke – WA/SW Deposit Refund	15.75
42674	Lonnie Nickels – WA/SW Deposit Refund	40.41
42675	Randy Perry – WA/SW Deposit Refund	15.28
42676	Pam Pfeiffer – WA/SW Deposit Refund	42.02
42677	Alex Thomas – WA/SW Deposit Refund	4.84
42678	Cody York – WA/SW Deposit Refund	39.46
42679	Atco International – Hand Spring & Take off	442.00
42680	Bleven Law Office – Legal Services	350.00
42681	BSN – 6 Base Foam Plugs	58.00
42682	Centaur Enterprises – Nut, Washers, Frt	25.43
42683	City of Milford – Petty Cash	88.21
42684	City of Seward – Pony League Fee	20.00
42685	Concrete Works – Sidewalk & Curb (Austin Co)	1394.00
42686	Creative Consultants – Renewal of WML Domain	19.00
42687	Doubleday Book Club – 2 Books	35.06
42688	EMP – Gloves, Flex Wrap, Sterile Water	240.02
42689	Fort Dearborn Life Ins. – Life Insurance	113.52
42690	Great American Leasing – 3 months meter rental	285.00
42691	Derek Grauel – Umpire 4 Games	145.00
42692	Heartsong Presents – 4 Books	10.99
42693	Ingram Library Services – 23 Books	296.74
42694	Kara Jacobsen – Mileage as of 6-30-06	88.11
42695	Johnson Service – Clean & TV Pipe	569.70
42696	Bryce Johnson – Training Expenses	16.00
42697	Jim Krause – Umpire 14 Games	420.00
42698	Lincoln Winlectric – Batteries	14.87
42699	Meyer Laboratory – Trash Liners, Tissue	353.60
42700	Menards Lincoln – Primer, Rollers	184.51
42701	Milford Plumbing – Galv, Bushing, Repair Sink	58.15
42702	Milford School Dist – Parking Fines	40.00
42703	Milford Volunteer Fire Dept – Statewide EMS Conf.	1450.00
42704	Brett Muller – Umpire 1 Game	25.00
42705	Municipal Supply – Pipe, Elbow, Coupling	2064.11
42706	Ne Health Lab – Nitrate Coliform	217.00
42707	Office Depot – Toner, DVD-Batteries, Color Ink	368.31
42708	Orschelns – 3 Barbs	4.55
42709	Poolmart – Rail, Anchors, Fittings, Frt	601.60
42710	Regent Book Co – 8 Books	101.61

42711	Edna Riedl – Construction Paper, 26 Books`	382.55
42712	Dash Rohan – Umpire 2 Games	50.00
42713	Roxanne Roth – Cleaning Services	305.00
42714	Roth Home Designs – Service for Restroom	416.86
42715	Mike Stinson – Umpire 4 Games	100.00
42716	VOID	
42717	Tools Plus Ind. – Safety Glasses	122.75
42718	Union Bank – Gary TeSelle Acct	300.00
42719	Walmart Community – Poster, cleaning supplies, food	87.96
42720	Wergins Lawn Service – Spray B St Median	30.00
42721	Beverly Wehrs – Painting & Stenciling	250.00
42722	Zim International – Grease Lightning	249.12
42723	Shani Mach – Swimming Lessons	19.00
42724	Tony Muller – Umpire 1 Game	25.00
42725	Bob Romohr – Umpire 2 Games	50.00
42726	Subway Motors – PCV, Install new sensor	126.97

REPORTS OF OFFICERS, BOARDS AND COMMITTEES: Written reports received were Milford Aging Services Commission minutes for June 27, 2006; and the Police Dept. Activity Report for June 2006. Chief Siebken presented the June 2006 Police Report. The NARSIS and Fire Reports for June were submitted.

COMMUNICATIONS: *Sales tax received for the month of April 2006 was \$11,047.82.

PUBLIC HEARING – Expansion of Landfill: Mayor Plessel opened the public hearing at 7:35 pm and limited speaking time to 3 minutes per person. Mayor Plessel also asked the individuals who decided to speak to identify themselves. H.L. “Pete” Peterson titled his presentation the “Unwelcome Start”. It started with contaminated soil from Hastings being hauled to cell 9. Cell 9 has been a problem, even for G & P, and was not constructed properly. Pete stated 245 violations had been assessed to the landfill and the Omaha World Herald corrected him with 254 violations. Peterson questioned the Corp of Engineers regarding health issues for the future. Peterson also questioned why the Mayor, Council or County Commissioners were not notified about these numerous violations. The Corp of Engineers, in a letter to DEQ stated, “They have no regulatory responsibility or requirement to contact any communities”. Some items being hauled to the landfill are medical waste and they have been caught hauling asbestos according to a report that Mr. Peterson had. The landfill has had violations so numerous that they should be shut down and allowed no further expansion. The State of NE will forgive \$145,000 in fines if the landfill does a good job by September 2006. Mr. Peterson read a statement from the paper regarding court complaints stating, “The defendants operated the

landfill in a manner constituting a hazard and threat to human health". Mr. Peterson is representing the young people of the community and is asking the Council to pass the resolution to stop the expansion of the landfill. Maurice Jantze – commented that the landfill is in his backyard and would like the Council to use their good conscience and vote no against the expansion. Jack Zimmerman stated the commissioners dropped the ball back in '93. This should've come to a vote of the people. Larry Kness lives north of the landfill. He would like the Council to adopt the resolution objecting to the expansion of the landfill. There is no way knowing what kind of contamination could result from that massive amount of contaminated material. He would like an effort made to locate another site for the landfill. An article in the Omaha World Herald showed other communities in the area supporting the location of the landfill in Milford because they don't want it located in their own towns. Outside of the financial aspect Kness didn't understand why we are taking so much waste and refuse from Lincoln and surrounding communities. Kness noted the negative impact the landfill is having on property valuations. He would like to see it not get any larger and when the contract is up look at other locations. Ken Mertl, District Manager at G & P Development - of the 254 violations the landfill was found not guilty. For business reasons a settlement was made with the State of NE. Hauling the contaminated soil, asbestos and medical waste to the landfill in Milford was approved by the State of NE (DEQ). Mertl asked to see the resolution as G & P had never been contacted by the City. Attorney Blevens read the proposed resolution. Mertl commented the City of Milford is part of the Seward/Saline Solid Waste Management Association. Back in May of 2005 the Association had an agreement with G & P Development where G & P would supply 15 years of landfill service contingent on getting this expansion. Since that time G & P has not heard anything from the City of Milford opposing this in any way. Fortune informed the group that he had read the contract that was signed back in the early '90's, which is at City Hall Office, stating that when this landfill was full that a substation would be built and waste would be hauled to Geneva. We were informed that the Geneva landfill has since been closed. Kelly Danielson commented that it was not economically feasible to run the Geneva landfill. Fortune asked if this facility is to close, what are G & P's plans for the future. Mertl asked what are Milford's plans. Fortune thought the County should develop a landfill which does not take any contaminated materials. Fortune asked if this landfill closes will G & P create another landfill somewhere else. Mr. Mertl could not comment on this as there plans are to expand the current landfill north of Milford. Dana Singsaas questioned a comment he had heard regarding a landfill can no longer be within 2 miles of city limits. If the area in question was to be rezoned, it would fall within the 2 mile restriction.

The original landfill is probably grandfathered in but the new area should not be. The rezoning should not happen. Mayor Plessel informed the public that the area in question is not in Milford's zoning jurisdiction. Dawnia Ramirez stated that she has been as objective as possible with the situation. She feels that areas of zoning are set up for a reason. If the landfill expands it will be no more than 100' from someone's property line. This will definitely affect the resale or valuation of a home. No one wants to buy a home with a mountain of trash next to it. Dawnia asked the Council to pass the resolution to stop the expansion of the landfill. Becky Singaas lives west of landfill. She stated that they bought there home 2 years ago and it is currently valued at \$135,000. They have put \$40,000 into their property and cleaned it up. The new assessed valuation only went up \$300 since all the repairs. She strongly feels the location of the landfill is affecting their property valuation. Fortune explained to the public that the City Council does not have any authority over the landfill or the say in the expansion. We were asked to pass a resolution in opposition or support of the expansion of the landfill. That's what will take place tonight. Tim Troyer is asking that the City Council back the individuals living in the area. The owners of G & P Development have stated that they haven't heard anything from the City of Milford with regards to the landfill. Tim is hoping the Council will pass the resolution to stop the expansion of the landfill. He is concerned about the future ground water quality. Blevens commented about the economic impact it would make on the rates of garbage service. If they have to haul it further away the rates may increase. Matt Young felt the resolution is a "no brainer". The transitional agriculture zoning is not intended to allow intensive industrial type activity such as a landfill. Young thinks the rate discussion is just a scare tactic. There are several communities in the western part of the State that haul refuse 50 to 60 miles to a landfill. Tony Houk – Mr. Mertl mentioned on not being found guilty on several issues. As far as guilt is concerned Kelly Danielson admitted to the fact that leach 8 was improperly dumped on top of an active cell creating a pond of about 50' wide and 100' long. Proper distribution of leach 8 means it sprayed over the landfill and not allowed to pond. There have been a number of violations that in fact have been founded and have had fines assessed by the State of NE, DEQ. G & P has been given the opportunity from the court from 2004 to September 2006 to clean up the landfill and show they are operating in good standing and they will not have pay the fines. Violations did take place. Houk commented on the valuation of property and the close proximity of the landfill. He stated that it is no longer a "land fill" it is now a waste stack system. The land is already filled in, they are stacking it. It is now 80' tall and there is a permit to go another 12'. In researching the transfer station, Houk has read the requirements for the transitional agriculture area for

Seward County. Currently for Seward County according to their zoning policy could not allow a transfer station at G & P's location. The policy states that a transfer station cannot be located within ½ mile of a residence whether occupied or not. Houk realizes that this is a service but does not feel this is the best location for the service. Houk respectfully requested that for the sake of the citizens today and the generations to come that they adopt the resolution requesting that Seward Co. not allow for rezoning or waste expansion. Mayor Plessel informed the public that if the resolution is passed tonight legally it does nothing. This resolution could be passed onto the County Commissioners if and when they meet again regarding this issue. The City of Milford has no authority over the landfill. Pete Peterson commented that the resolution would show the support and backing of the citizens by the City Council. Ken Mertl asked the Council to reconsider this until they have a plan for solid waste disposal. Fortune noted the P & Z for the County has already denied the rezoning so actually the County should be in charge of this and they should be thinking along those lines. Fortune – when the contract is up it is time to move on. Mayor Plessel read a letter from Bill White expressing his personal feelings as a 47 year resident of Milford on the landfill issue. The letter is attached to these minutes. Mayor Plessel closed the public hearing at 8:15 pm.

UNFINISHED BUSINESS:

Introduction and Adoption of Resolution – Expansion of Landfill: A motion was made by Fortune and seconded by Good to adopt the following resolution. Roll call vote: Fortune yes, Good yes, Bruha absent, Neal yes. Motion carried.

RESOLUTION NO. 420

Be it resolved by the Mayor and City Council of the City of Milford, Nebraska:

WHEREAS, G & P Landfill has previously filed and withdrawn its request to expand its existing landfill located near Milford, Nebraska; and

WHEREAS, the Mayor and Council of the City of Milford, Nebraska have received concerns from interested citizens as to the adverse economic, aesthetic and environmental impact of such an extension upon the neighboring properties and the Milford community; and

WHEREAS, the Mayor and Council of the City of Milford, Nebraska believe that G & P Landfill has reached its capacity and should not be extended or enlarged.

NOW, THEREFORE, the Mayor and Council of the city of Milford, Nebraska hereby oppose any extension or expansion of the existing G & P Landfill, and recommend to G & P, Inc., and Waste Connections, Inc. that no further expansion be pursued by reason of adverse economic,

aesthetic and environmental impact of such extension on the neighboring properties, and the extended Milford community.

Passed and adopted this 11th day July, 2006.

By _____
Mayor

Attest: _____
City Clerk

Contract – Jantze Thornridge Phase III: Attorney Blevens reviewed the contract and noted a change to delete the verbiage (not to exceed \$19,999.00). The City agreed to an actual project cost of \$17,654.00. Paving issues were discussed and if “GAP” paving is to be established then the City will need to get an engineer and proceed with bidding the project. A motion was made by Fortune and seconded by Neal to authorize the signature of the contract for the Jantze Thornridge First Addition Phase III. Roll call vote: Fortune yes, Neal yes, Bruha absent, Good yes. Motion carried.

Water Rates: Fortune reviewed the initial study and felt the increase presented would adequately cover the next several years. The suggested minimum rate for a 3/4” service line will increase to \$9.00 per month (service fee) with an additional \$1.40 per 1,000 gallons of water used. Blevens will create and present an ordinance for the August meeting.

NEW BUSINESS:

Authorize Signatures for Jantze Thornridge Phase III – Water, Sewer and Storm Sewer: Recommendation was made by Blevens to the Council not to sign the additional contracts as they have already agreed on the initial contract and costs to the City. This will place the responsibility of performance bonds and bid bonds on Jantze. Majority of the cost of these projects are being paid by Larry Jantze. Discussion was held regarding responsibility of increased water run off south of the development. If the size of the tubing does not adequately handle the water run south of the addition then the City of Milford would be responsible. Two engineers have studied the situation and the tubing was increased from the original recommendation. A motion was made by Fortune and seconded by Neal that the plans and specifications for Jantze Thornridge First Addition Phase III for water, sewer and storm sewer be reviewed by the City engineer subject to satisfactory review and approval of the contracts as presented by Jantze. Roll call vote: Fortune yes, Neal yes, Bruha absent, Good yes. Motion carried.

Kiwanis – Update on Park Equipment at Uptown City Park: Kiwanis representative Pastor Geary approached the Council for permission on 3

issues. 1. To organize a clean-up day for the Uptown Park on Saturday, July 22, 2006. 2. Ask permission to place the new equipment in the Park. 3. Ask for a financial contribution from the City. The Kiwanis group is very excited about the project and laboring efforts with the City. A special one time offer has been given to the Kiwanis group by "Play World". If the group places their order by August 1, 2006 they will receive the piece of playground equipment for ½ price. The original cost is \$35,000.00, they will receive it for \$17,500.00. Payment will be required when the equipment arrives. Other groups in the community will be helping to fund this purchase along with fundraising and block grants by Kiwanis. Rubber matting under the equipment is on the Kiwanis wish list. Possible delivery date for the equipment is anytime between December 2006 and February 2007. Mayor Plessel asked the Kiwanis group to coordinate efforts and meet with the building committee of the City. A motion was made by Fortune and seconded by Neal to authorize the Kiwanis group to go ahead and purchase the equipment for the park. The financial contribution will be discussed during budget preparation for the next fiscal year. Roll call vote: Fortune yes, Neal yes, Bruha absent, Good yes. Motion carried.

Sheri's Grill and Bar – Special Designated Liquor License for Beer Garden during Fun Days: Merle David's presented the application for a special designated license for a beer garden similar to the one he has had in the past during "Fun Days". It was stated by Chief Siebken that there has never been any problems with the beer garden during Fun Days. A motion was made by Fortune and seconded by Good to approve the special designated license for the beer garden. Roll call vote: Fortune yes, Good yes, Bruha absent, Neal yes. Motion carried.

Bids for new Fire Truck – John Melena: Melena asked the Council for permission to go out for bids to replace the 36 year old tanker with a new tanker of equivalent size and capacity. Good asked what the plans were for the old tanker. Melena thought trading in or going out for sealed bids. The estimated cost of the new tanker is \$132,000. The Fire Dept. has \$130,000 in their sinking fund and additional money from the Rural Fire District. This piece of equipment would haul water to acreage fires along with grass fires. A motion was made by Fortune and seconded by Good to approve the bid process for the Fire Dept. to purchase a new tanker. Roll call vote: Fortune yes, Good yes, Bruha absent, Neal yes. Motion carried.

Railroad Crossing Information – Matt Young: Matt Young made a very nice presentation regarding the train horn noise through town at the railroad crossings at Walnut Street and Van Dorn Road. Young questioned the quality of life issue that the City Council does have control over. Each day approximately 23 minutes apart in Milford, NE 64 trains pass thru our community. The minimum requirement for blowing the horn at both

intersections is 6 minutes. This means that 2.4 hours a day we are listening to the train horn. Young presented 4 different options for eliminating the noise thru town. 1. Channelization 2. Permanent Closure 3. Temporary Daily Closure or 4. Automated Wayside Horn System. These options cost anywhere between zero and \$200,000. Information presented by Matt Young is attached to these minutes. The Mayor and Council thanked Matt for the information and will take it under advisement.

Street closing – Friends of the Library, Nancy Jantze: Nancy asked the Council's permission to block off 2nd Street between "B" & "C" on July 24 between 5:00 pm and 9:00 pm for the Summer Reading Program Fair. A motion was made by Fortune and seconded by Neal to approve the closure of 2nd Street between "B" & "C" Streets for the Library Fair. Roll call vote: Fortune yes, Neal yes, Bruha absent, Good yes. Motion carried.

Set date for Budget Work Night: The Council agreed to meet on Monday, July 24, 2006 at 6:00 pm at the City Hall Office for budget preparation.

Accounts Payable – Procedure for payments: Mayor Plessel asked Blevens to comment on the issue. Blevens noted it is the fiscal responsibility of the Council to make sure tax dollars are being spent appropriately. Hoggins was asked what practice has been used in the past. She noted the requirement to present an itemized statement or receipt has been policy in the past. It was noted that the procedure of past practice will stay in effect and all submitted purchase orders should be accompanied by an itemized receipt.

Performance Evaluations: Mayor Plessel stated that every year at budget time the discussion of performance evaluations is brought up. Mayor Plessel noted that samples of evaluations had been inserted in their packets. She wanted to know the Council's opinion on doing evaluations. Fortune stated he did not like them. Neal mentioned they are valuable for praise or in case of termination, but they should not be used to determine salaries. Mayor Plessel was asked who would perform the evaluations? She stated the Dept. Heads should review their staff and Council liaison over the Dept. Head should perform theirs. Fortune stated that Mayor Plessel should do all Dept. Heads. It was decided that performance evaluations should be done annually and kept in personnel files for future determination of disciplinary action or praise. They will not be used for determining wages.

ADJOURNMENT: A motion was made by Fortune and seconded by Neal to adjourn the meeting. Roll call vote: Fortune yes, Neal yes, Bruha absent, Good yes. Motion carried and meeting adjourned at 10:25 pm.

Jeanne Hoggins, City Clerk

J. Elaine Plessel, Mayor

CERTIFICATION

I, the undersigned, City Clerk of the City of Milford, Nebraska, hereby certify that the foregoing is a true and correct copy of proceedings had and done by the Mayor and Council on July 11, 2006 that all of the subjects included in the foregoing proceedings were contained in the agenda for the meeting, kept continually current and readily available for public inspection at the office of the City Clerk; that such subjects were contained in said agenda for at least twenty-four hours prior to said meeting; that at least one copy of all reproducible material discussed at the meeting was available at the meeting for examination and copying by members of the public; that the said minutes from which the foregoing proceedings have been extracted were in written form and available for public inspection within ten working days and prior to the next convened meeting of said body; that all news media requesting notification concerning meetings of said body were provided advance notification of the time and place of said meeting and the subjects to be discussed at said meeting.

(SEAL)

Jeanne Hoggins, City Clerk